TL8

amnesty international
INTERNATIONAL SECRETARIAT
1 Easton Street London WC1X 8DJ
United Kingdom

URGENT ACTION

EXTERNAL (for general distribution)

AI Index: ASA 21/04/92
Distr: UA/SC
5 March 1992

Further information on UA 408/91 (ASA 21/26/91, 22 November 1991) and follow-ups ASA 21/28/91 of 29 November 1991, ASA 21/29/91 of 10 December 1991 and ASA 21/02/92 of 9 January 1992 - Legal Concern/Fear of Torture

Indonesia/East Timor:

Jakarta:
Agapito Cardoso*
Domingos Barreto*
Fernando de Araujo*
Joao Freitas da Camara*
Virgilio*
Metodio Moniz
Antonio Lopez
Felipe da Silva
Joao Sarmento
Fausto Bernardino
Joao "Travolta"
Gregorio de Araujo
Jose Maria Belo
Avelino Maria Coelho da Silva
Mario Canelas
Egas Quintao Monteiro
Francisco Vasco Ramos
Jose Luis de Oliveira
Sergio Dias Quintao
Benevides Cabral
Ilidio da Costa
Antonio Soares
Jose Pompeia Saldanha Ribeiro
Clemente Soares
Antonio Matos

one other, reportedly transferred from Dili, early January 1992 and Antonio Goncalves, whereabouts unknown

Yogyakarta:
Several students (names unknown)

Bandung:
Nine students, including:
Agus Jaya
Asep
Novi
Daniel
Nurdin
Pius

and new names held at Dili:
Bonifácio Magno*
Carlos dos Santos Lemos*
Filomeno da Silva Ferreira*
Francisco Miranda Branco*
Gregório da Cunha Saldanha*
Jacinto das Neves Raimundo Alves*
Juvêncio de Jesus Martins*
Saturnino da Costa Belo*

*** reported to be facing trial**

The above East Timorese highlighted with asterisks, arrested after the Santa Cruz massacre and held either in Dili or Jakarta, are to be brought to trial imminently. It is understood that four, including Fernando de Araujo and Joao Freitas da Camara in Jakarta and Francisco Miranda Branco and Gregório da Cunha Saldanha in Dili, have been charged with subversion, which carries a maximum sentence of death. Agapito Cardoso, Domingos Barreto and Virgilio in Jakarta face charges of "expressing public opposition to the government" and all five Timorese in Jakarta were handed over to a district court there yesterday. The trials of Francisco Branco and Gregório da Cunha Saldanha in Dili are scheduled for 12 and 14 March respectively. Charges and trial dates for the remaining six prisoners in Dili have not been announced.

There is concern over possible interference by the authorities over legal arrangements for the defendants. Reports indicate that a team of lawyers sent by the Indonesian Legal Aid (LBH) Foundation, which has been authorized by the defendants to represent them, was denied access to the prisoners last week.

Of the 13 named as facing trial, two in Dili - Jacinto das Neves Raimundo Alves and Saturnino da Costa Belo - are new names that have not appeared either in earlier Urgent Actions or the report Santa Cruz: The Government Response (ASA 21/03/92) issued on 6 February 1992. Fernando de Araujo, facing subversion charges, had reportedly been held

☎ (44)(71) 413 5500 Telegrams: Amnesty London WC1 Telex: 28502 FAX: 956 1157

Amnesty International is an independent worldwide movement working for the international protection of human rights. It seeks the *release* of men and women detained anywhere because of their beliefs, colour, sex, ethnic origin, language or religious creed, provided they have not used or advocated violence. These are termed *prisoners of conscience*. It works for *fair and prompt trials* for *all political prisoners* and works on behalf of such people detained without charge or trial. It opposes the *death penalty* and *torture* or other cruel, inhuman or degrading treatment or punishment of *all prisoners*.

incommunicado while recovering from injuries sustained from beatings and torture during interrogation (see UA follow-up ASA 21/02/92, 9 January 1992).

Amnesty International is seeking clarification as to which of the Jakarta detainees listed above were among the 17 Timorese students released on 28 February. There is concern that these students were still being held several days later at the Wisma Jayakarta in Jatinegara, East Jakarta, awaiting a "lecture" from military and government officials. It is not known whether all charges have been dropped against them and there is concern that they may be subject to rearrest in future. It is believed that some will be summoned by the authorities as witnesses in the trials.

Amnesty International is concerned that, as past practice in subversion trials in Indonesia and East Timor has shown, the impending trials may fail to meet international standards of fairness. In particular, Amnesty International is concerned at reports that some of those facing trial have been subject to beatings and torture during interrogation.

Amnesty International believes that most if not all of those to be tried will, if convicted, be prisoners of conscience detained and imprisoned solely for the peaceful expression of protest against Indonesian rule in East Timor.

FURTHER RECOMMENDED ACTION: Telegrams/telexes/faxes/express and airmail letters
- seeking confirmation that the prisoners named above are to face trial and clarification of the charges against each of them;
- expressing concern at reports that some of those facing trial were reportedly beaten and tortured during interrogation and at the effect this may have on the fairness of the trials;
- seeking clarification on names of students released on 28 February and calling for all persons remaining in custody in connection with the 12 and 19 November demonstrations either to be promptly charged with recognizably criminal offences or unconditionally released;
- seeking assurance that any trials that are carried out are conducted in a manner that meets international standards for fairness, including, among others, the right to legal counsel to prepare an adequate defense;
- urging the authorities, in the interests of ensuring that trials meet international standards for fairness, to permit independent observers to attend all trials.

APPEALS TO:

1. The President
President Suharto
Istana Negara
Jalan Veteran
Jakarta, Indonesia
Telegrams: President Suharto, Jakarta Indonesia
Telexes: 44283 BIGRA IA; 44469 DEPLU IA
Faxes: +62 21 36 7781; +62 21 36 7782; +62 21 360517
(via Ministry of Foreign Affairs)
Salutation: Your Excellency

2. Minister of Justice
Ismail Saleh, SH
Jalan Rasuna Said, Kav 6-7
Kunlingan, Jakarta Selatan, Indonesia
Telegrams: Justice Minister, Jakarta Indonesia
Telexes: 44404 DITJENIM IA
Faxes: + 62 21 32 1625
Salutation: Your Excellency

3. Attorney General
Agung Singgih
Jaksa Agung, Jl Sultan Hasanuddin 1
Kebayoran Baru, Jakarta Salatan
Jakarta, Indonesia
Telegrams: Attorney General, Jakarta, Indonesia
Telexes: 44404 DITJENIM IA
Faxes: + 62 21 32 1625
(Both via Ministry of Justice)
Salutation: Dear Attorney General

4. Minister of Foreign Affairs
Ali Alatas SH
Kementerian Luar Negeri
Jalan Taman Pejambon 6
Jakarta, Indonesia
Telegrams: Foreign Affairs Minister, Jakarta Indonesia
Telexes: 44205; 44469 DEPLU JKT
Faxes: +62 21 36 7781; +62 21 36 7782; +62 21 360517
Salutation: Your Excellency

COPIES OF YOUR APPEALS TO:

Governor of East Timor
Ir. Mario Carrascalao
Gubernur KDH Tk. 1 Timor Timur
Jalan Inpantai D. Hendrikue
Dili, East Timor

Jakarta Post
PO Box 85
Jakarta 11001, Indonesia
Faxes: +62 21 549 2685

Indonesian Legal Aid Foundation
Yayasan Lembaga Bantuan Hukum Indonesia
Jl. Diponegoro 74
Jakarta 10320, Indonesia

and to diplomatic representatives of Indonesia in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 16 April 1992.

— Please take action as soon as you receive this Urgent Action appeal. Carefully read the recommended actions. If possible, send a telegram, telex, fax or express letter immediately to one or more of the addresses given. Other letters can be sent afterwards.

— Telegrams and letters should be brief and courteous. Stress that your concern for human rights is not in any way politically partisan. Refer to relevant provisions in international law, such as the United Nations Universal Declaration of Human Rights:

Article 3 — "Everyone has the right to life, liberty and security of person."

Article 5 — "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

Article 9 — "No one shall be subjected to arbitrary arrest, detention or exile."

— The name of Amnesty International may be used, although letters written in a private or personal capacity may be more effective.

— Copies of appeals should be sent to relevant diplomatic representatives in your country.

— In Urgent Actions cases, Amnesty International has to act rapidly on behalf of victims of grave human rights violations. An appeal is issued when Amnesty International believes it has received reliable and accurate information in such cases. It is not always possible to verify all details independently and in some instances the situation outlined in the appeal may change. Urgent Action participants are always notified of any significant new facts.

— Copies of any replies received from government authorities should be sent immediately to your section's Urgent Action co-ordinator or direct to the Campaign and Membership Department of the International Secretariat. If appropriate, thank the official who has replied and ask to be kept informed about the case.